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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/871,016

05/31/2001

Jan A. Frohman

8213

7590

04/16/2004

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EXAMINER

MULLEN, THOMAS J

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 04/16/2004

114

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/871,016

Applicant(s)

FROHMAN ET AL.

Examiner

Thomas J. Mullen, Jr.

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 11, 12 and 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The amendments filed 1/9/04, 2/18/04 and 3/17/04 have been entered (to the extent applicable) and fully considered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 10 is objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It appears that the dependency of claim 10 (on claim 1) is incorrect, note the identical subject matter of claim 4 and also note the original dependency of claim 10 (on claim 7).
4. Claims 1-2, 7-8, 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by any of Chung-Piao (US 5177467, previously cited), Cozza (US 5771492), Giannini (US 4635516) or Pinsak et al (US 4692748).

Note in Chung-Piao, protective article 1 which is "worn over and completely cover(s) a user's hand" (the article in Fig. 3 completely covers the hand, but not the fingers, while the article in Fig. 3a completely covers both the hand and the fingers); electronic assembly 4, etc which is "attached to" and/or "contained within" and/or "coupled with" the article (note substrate sheet 11); sound generator 3; and actuator/deactuator means 6. Chung-Piao teaches that the sound generator 3 has associated therewith an "audio...driving means" 4, which may be "pre-programmed" with a "plurality of warning soundings" or with "plural musical soundings", and which can be "intermittently sounded" (see col. 2, lines 17-32). Chung-Piao further teaches that actuator/deactuator means 6 may be a "micro-switch (which is) spring loaded (and) having a push button", the push button "normally protruding outwardly...for switching off the driving means 4 and operatively depressed for closing the integrated circuit of said driving means 4" (col. 2, lines 58-62). In other words, the push-button/microswitch 6 inherently "allows" a user to "rapidly and repeatedly" actuate and de-actuate the sound generator 3, the sound generator being actuated when the push-button 6 is depressed and being de-actuated when the push-button 6 is released, for providing the "intermittent" sound effect discussed above.

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Note in Cozza, protective article 10 which is "worn over and completely cover(s) a user's hand"; electronic assembly 20, etc (best shown in Figs. 2, 3 and 5) which is "attached to" and/or "contained within" and/or "coupled with" the article (note the placement of various sensors 22, 26, 27, 28 as well as the placement of "pocket cover" 20 in Figs. 1, 1A and 2); sound generator 48 (Figs. 5-6); and actuator/deactuator means (sensors 22, 26, 27, 28 already mentioned--see col. 4, lines 51-52). The sensors 22, 26, 27, 28 are of the normally-open, pressure responsive type (col. 3, line 14), and thus inherently "allow" the user to "rapidly and repeatedly" actuate and de-actuate the sound generator 48, the sound generator being actuated when "one of the sensors senses an absence of pressure thereagainst" (Abstract) and being de-actuated when pressure is maintained on each of the sensors.

Note in Giannini, protective article 10 which is "worn over and completely cover(s) a user's hand"; electronic assembly 12-46 (best shown in Fig. 2) which is "attached to" and/or "contained within" and/or "coupled with" the article (note e.g. the arrangement of various sensors 12-30 with respect to the glove outline in Fig. 2); sound generator 36 (Fig. 2); and actuator/deactuator means (sensors 12-30 already mentioned--see col. 3, lines 17-21 and 37-42). The sensors 12-30 are of the normally-open, flexure responsive type (see Figs. 5-6 and col. 4, lines 9-47), and thus inherently "allow" the user to "rapidly and repeatedly" actuate and de-actuate the sound generator 36, the sound generator being actuated when "(t)he wearer of the glove moves a finger in order to close one of the switches 12 through 30" (col. 3, lines 37-38 and Fig. 6) and being de-actuated when the finger returns to its original position (Fig. 5).

Note in Pinsak et al, protective article 10, 12 which is "worn over and completely cover(s) a user's hand"; electronic assembly 14 which is "attached to" and/or "contained within" and/or "coupled with" the article (note the physical placement of contacts 24 and 30, alarm 32, etc. with respect to the glove shown in the Figure); sound generator 32 ("audible alarm", col. 2, line 48); and actuator/deactuator means (contacts 24 and 30 already mentioned--see col. 2, line 66 to col. 3, line 23). The contacts 24 and 30 provide a normally-open type switch requiring physical contact between the contact 24 and an electrical current-conducting body portion (e.g. the interior surfaces of the mouth), and thus inherently "allow" the user to "rapidly and repeatedly" actuate and de-actuate the sound generator 48, the sound generator being actuated when "the

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wearer inserts the thumb into the wearer's mouth" (col. 3, lines 16-17) and being de-actuated otherwise.

Regarding claims 2, 8 and 14, the protective article is described as a "glove" (see the Title in each of Chung-Piao, Cozza and Giannini, and the Abstract in Pinsak et al).

5. Claims 4 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by any of Chung-Piao, Cozza or Giannini.

Note in Chung-Piao, power source 5; circuit 4 for "storing a prerecorded sound" (as mentioned above); and audio "speaker" 3. Note in Cozza, power source 56; circuit/microprocessor 58 for "storing a prerecorded sound"--i.e., microprocessor 58 "sets (and thus stores) the beep number and frequency" for sound generator 48 (col. 6, lines 4-7), such that the corresponding audible output "ha(s) different characteristics for each sensor" 22,26,27,28 (Abstract), and/or microprocessor 58 stores a "synthetic voice signal" (col. 6, lines 28-29); and audio "speaker" 48. Note in Giannini, power source 42; circuit 32 for "storing a prerecorded sound"--i.e., tone generator 32 "produces (and thus stores) a different tone in response to the actuation of each different switch (12-30)" (col. 3, lines 63-65); and audio speaker 36.

6. Claims 3, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of Chung-Piao, Cozza, Giannini or Pinsak et al.

The examiner takes Official Notice that the "sound generating apparatus", described as being applied to a "glove" in each of Chung-Piao, Cozza, Giannini and Pinsak et al, would be equally applicable for use with a "mitten" as in claims 3, 9 and 15, i.e. it would have been obvious to those skilled in the art to apply the "sound generating apparatus" in any of Chung-Piao, Cozza, Giannini or Pinsak et al to a "mitten" instead of to a "glove".

7. Claims 5-6, 11-12 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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8. Applicant's arguments with respect to claims 1, 7 and 13 (in the response filed 1/9/04) have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

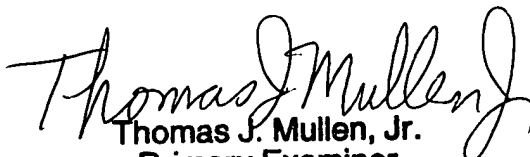
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 703-305-4382. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TJM

  
Thomas J. Mullen, Jr.  
Primary Examiner  
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